



Express Mail L No: EL728729076US

Date of Deposit: March 19, 2001

3-2801

Atty. Docket No.: 4219/1340

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Russell, et al.  
Serial No.: 09/043,665  
Filed: October 5, 1998  
Entitled: Materials and Methods Relating to  
the Transfer of Nucleic Acid Into  
Quiescent Cells

Examiner: R. Shukla, Ph.D.

Group Art Unit: 1632

RECEIVED

MAR 22 2001

Commissioner for Patents  
Washington, D.C. 20231

## AMENDMENT TRANSMITTAL LETTER

TECH CENTER 1600/2900

Sir:

1. Transmitted herewith is an amendment in response to the Office Action mailed on in the above-referenced patent application.

## STATUS

2. Applicant is  
☒ a small entity.  
☐ other than small entity.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

<input type="checkbox"/>	Applicant petitions for an extension of time under 37 CFR 1.136		
	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	ONE month	\$110.00	\$55.00
<input type="checkbox"/>	TWO months	\$390.00	\$195.00
<input checked="" type="checkbox"/>	THREE months	\$890.00	\$445.00
<input type="checkbox"/>	FOUR months	\$1,390.00	\$695.00
<input type="checkbox"/>	FIVE months	\$1,890.00	\$945.00
		Fee	\$445.00

If an additional extension of time is required, please consider this a petition therefor.

03/21/2001 KVVUHG1 00000100 09043665

02 FC:217

445.00 00



- (a) ☐ An extension for \_\_\_\_\_ has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$445.00

**OR**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS AMENDED						
	(1)	(2)	(3)			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS		minus			x \$18	
INDEPENDENT CLAIMS		minus			x \$80	
MULTIPLE DEPENDENT CLAIM ADDED	Yes/No				\$270	
				TOTAL		
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2 and enter amount here.				SMALL ENTITY TOTAL		

- (c) ☒ No additional fee for claims is required.

**OR**

- (d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

### FEE PAYMENT

5. ☒ Attached is a check in the sum of \$445.00



☒ Charge Deposit Account No. 16-0085, Reference No. 4219/1340 any additional necessary fees.

A duplicate of this transmittal is attached.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Mark J. FitzGerald".

Name: Mark J. FitzGerald Ph.D.

Registration No.: 45,928 for

Kathleen M. Williams, Ph.D.

Registration. No.: 34,380

Palmer & Dodge LLP

One Beacon Street

Boston, MA 02108

Tel: 617-573-0100



PATENT

Express Mail Label No: EL728729076US

Date of Deposit: 3/19/2001

Response under 37 CFR § 1.116

--EXPEDITED PROCEDURE--

Examining Group 1600

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Russell, et al.

U.S. Serial No.: 09/043,665

Filed (U.S.): October 5, 1998

Entitled: Materials and Methods Relating to the  
Transfer of Nucleic Acid Into  
Quiescent Cells

Group: 1632

Examiner: R. Shukla, Ph.D.

RECEIVED

MAR 22 2001

TECH CENTER 1600/2900

Attorney Docket No.: 4219/1340 (formerly 3789/81421)

Commissioner for Patents and Trademarks

Box AF

Washington, D.C. 20231

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

This amendment is filed in response to the Final Office Action mailed in the above-noted U.S. patent application on September 19, 2000. Please amend the application as indicated below.

In the Claims:

Please cancel claims 9 and 10.

Please replace claim 11 with the following:

11. (Amended) A method of treating a patient having a disease or disorder, the method comprising the steps of:

a) exposing a population of quiescent cells to a retroviral packaging cell line in vitro, said packaging cell line expressing nucleic acid encoding a growth factor so that the growth factor is displayed on the surface of the cell line, the cell line or retroviral particles carrying a vector